

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD L. BENISH,

Plaintiff,

vs.

OMAHA POLICE DEPARTMENT,
et al.,

Defendants.

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8:05cv332

MEMORANDUM AND ORDER

This matter is before the court pursuant to Fed. R. Civ. P. 4(m) which establishes a time limit for service of process on a defendant in a civil case. The plaintiff received notice of the deadline for service of process on the defendants in the court's Order on Initial Review. Because the plaintiff is proceeding in forma pauperis, the Clerk of Court provided forms for service of process to the plaintiff to complete and return to the court so that the U.S. Marshal could serve the defendants. The plaintiff did not return the forms for service of process, and the deadline expired. The court then issued an Order to Show Cause why this case should not be dismissed for failure to obtain service of process on any defendant. The plaintiff has not responded to the Order to Show Cause, and the deadline to show cause has now expired.

Therefore, pursuant to Fed. R. Civ. P. 4(m), the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 1st day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge